

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1767 of 1999

And

LETTERS PATENT APPEAL NO.1850 OF 1999

And

LETTERS PATENT APPEAL NO.144 OF 2000

In

SPECIAL CIVIL APPLICATION No 6557 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER, BHAVNAGAR

MUNICIPAL CORPORATION

Versus

PALITANA SUGAR MILLS PVT LTD

Appearance:

Mr.J.R.Nanavati with

MR AR THACKER for Appellant in Letters Patent Appeal
No.1767/99.

Mr.N.K.Pahwa for the appellant in Letters Patent Appeal
No.1850/99.

Mr.S.N.Shelat, learned Addl. Advocate General with
Ms.Harsha Devani, learned A.G.P. for the appellant
in Letters Patent Appeal No.144/2000.

Mr.D.R.Dhanuka, senior counsel, with Mr.B.H.Antia,
Solicitor, Mr.S.U.Kamdar and Mr.N.A.Pandya for contesting
respondents in all the Appeals.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 07/09/2000

COMMON ORAL JUDGEMENT(Per :M.R.Calla,J)
Heard learned counsel.

Learned Addl.Advocate General Mr.Suresh N.Shelat
appearing on behalf of the State of Gujarat states that
the State Government shall consider the objections and
suggestions of the original petitioners i.e. respondents
Nos.1 and 2 herein i.e. Palitana Sugar Mills Pvt. Ltd.
and Savjibhai Haribhai Patel and others,if any, received
so far, in respect of proposal designating the use of the
land in question admeasuring 80 Acres out of Survey
No.471/2 situated at village Vadva, Bhavnagar for water
body (Gauri Talao) before finalising the revised
development plan and record its reasons for its decision
on such objections and suggestions in the file. The
original petitioners i.e. respondents Nos.1 and 2 herein
shall file their objections and suggestions within a
period of 8 weeks from today and the State Government
shall thereupon decide such objections and suggestions
and the Notification of the final sanction shall be
issued as early as possible, preferably within a period
of nine months from today. The respondents Nos.1 and 2
as well as Bhavnagar Municipal Corporation and Bhavnagar
Area Development Authority have no objection to this
course of action being followed. We order accordingly.

In this view of the matter, respondents Nos.1 and
2 herein i.e. original petitioners in Special Civil
Application 6557/99 decided on 17.12.99 seek to withdraw
the aforesaid Special Civil Application with liberty to
file fresh writ petition against the final notification
as may be issued by the State of Gujarat, if at all it
becomes necessary for them to do so. The aforesaid
Special Civil Application No.6557/99 is, therefore,
dismissed as withdrawn with the liberty as aforesaid. It
is made clear with the consent of both the sides that
nothing said, observed or ordered in the impugned
judgment and order dated 17.12.99 in Special Civil
Application No.6557/99 shall bind any of the parties for
any purpose in any pending or future proceedings,

including the consideration of objections and suggestions by the State Government as above. All contentions of all the parties are kept open.

All these three Letters Patent Appeals are disposed of in the terms as aforesaid. No order as to costs. Interim order passed in any Civil Application in any of these Appeals automatically comes to an end and ceases to be operative.

(M.R.Calla,J)

(R.R.Tripathi,J)